

Chapter 3

STREETS AND HIGHWAYS

[HISTORY: Adopted by the Town Board of the Town of Linn 11-13-1995 (Ch. 3 of the 1995 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Highway Superintendent— See § 2-9.
Traffic Code — See Ch. 9.

§ 3-1. Damage to streets and other public property.

No person shall damage or deface any street, highway, sidewalk, public way, park or other public property, or any post, wire, lamp, street sign, traffic sign, tree, grass, vegetation, gutter, drain, manhole or any other appurtenance thereon, except as may be authorized by the Town Board.

§ 3-2. Encroachments on streets.

- A. No person shall erect or maintain any structure or thing on, over or under any street, highway, sidewalk or public way except by permit from the Town Board. Application for such permit shall describe the nature of the encroachment in such detail as the Board shall require. The Board in its discretion may issue or deny the permit and may impose any conditions on such permit it deems appropriate.
- B. Any encroachment maintained in violation of this section is declared a nuisance and may be abated by the Town as provided for in Chapter 5 of this Code.

§ 3-3. Obstructing streets.

No person shall obstruct or endanger the free passage or proper use of the public of any street, sidewalk, highway or public place, except as may be permitted by this chapter.

§ 3-4. Debris in streets.¹

No person shall litter or deposit any foreign matter on any street, highway, sidewalk, park or public place, except building materials and merchandise as permitted under this chapter, or as may be permitted by the Town Board.

§ 3-5. Protection of work in streets.²

Any person laying or making an excavation in or doing any work in any street, highway,

1. Editor's Note: See also § 6-9, Littering.

2. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

sidewalk or other public place shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work. Barricades shall be protected by suitable lights at night. Any defect in any pavement shall be barricaded to prevent injury. Any person maintaining any opening or excavation in any such place shall guard such opening or excavation, while the same remains open, by proper barricades and lights. No person shall interfere with or disturb any barricades or lights lawfully placed to make new pavement or excavation or opening in any street, highway or sidewalk.

§ 3-6. Advertising on streets.

No person shall paint or post any signs or billboards on any trees, poles or other structures in any street or highway or on the surface of any street, highway, or sidewalk.

§ 3-7. Adoption of road names. [Amended 1-8-2001³]

Pursuant to § 82.03(7), Wis. Stats., the following names have been assigned to all roads which the Town Board of the Town of Linn has jurisdiction over:

1st Street
2nd Street
3rd Street
Academy Lane
Academy Road
Access Road
Alta Vista Drive
Ara Glen Drive
Armsby Road
Basswood Drive
Birches Drive
Bird Lane
Bissell Road
Black Point Road
Bluebird Drive
Border Drive
Brink Road
Burr Oak Drive
Center Street
Chapin Road
Cisco Road
Cobblestone Road
Countryside Lane
County Trunk Highway B
Crescent Road
East Beach Road
Eastman Street

3. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

East Road
Elgin Club Drive
Elm Street
Fair Oaks Road
Forest Glen Street
Forest Rest Lane
Forest Street
Franklin Walsh Street
Geneva Oaks Trail
Geneva Street
Glemore Avenue
Greenhill Drive
Greenland Road
Greenleaf Road
Greenview Drive
Grove Street
Hardwood Drive
Hickory Street
Highfield Drive
Highland Road
Highmeadow Road
Hillcrest Drive
Hill Road
Hillside Road
Hilltop Drive
Indian Drive
Ingalls Drive
Knollwood Drive
Lackey Lane
Lake Drive
Lakeview Avenue
Lakeview Park Drive
Lakeview Road
Langolier Place
Lakeville Road
Laurel Street
Leedle Avenue
Lincoln Avenue
Linden Road
Linn Road
Linn - Walworth Road
Linnwood Avenue
Linton Road
Locust Drive
Loramoor Drive
Main Road

Maple Court
Maple Hills Drive
Maple Lane
Maple Ridge Road
Maple Street
Meadow Court
Meadow Ridge Circle
Mill Road
Mohawk Road
North Creekside Lane
North Lakeshore Drive
Oakland Road
Oakrest Avenue
Oak Street
Oakwood Drive
Old Farm Road
Orchard Road
Oriole Drive
Orlando Drive
Parker Drive
Pleasant Street
Poplar Avenue
Ravine Drive
Shadow Lane
Shady Side Drive
Shoreview Drive
Snake Road
Solar Lane
South Creekside Lane
South Lakeshore Drive
Southland Lane
Southland Road
South Street
Springbrook Road
State Line Road
Station Street
Summit Drive
Sunnyside Avenue
Sunnyside Drive
Sunset Drive
Swamp Angel Road
Valley View Drive
Viewcrest Drive
West Side Road
Wildwood Drive
Wildwood Road

Willowbrook Drive
Willow Road
Wilmot Boulevard
Wooddale Drive
Woodland Road
Zenda Road

§ 3-8. Minimum highway design standards.

A. Definitions. In order to clarify this section, the following definitions are applicable:

APPROACH — That portion of road extending 100 feet on each side of a culvert or bridge.

BASE COURSE — The supporting base material of the roadway, including shoulder.

DRAINAGE — The gradual drying of the highway by a system of ditches, trenches, channels, etc.

GRADE — The rate of ascent or descent of roadway.

HIGHWAY — The road or way over which the public generally has a right to pass, to include the complete right-of-way.

ROAD BED — The whole material laid in place and ready for travel.

ROADWAY — The travelled portion of the highway.

SURFACE 1/2 — The top of the roadway, or travelled surface.

B. Applicability. This section shall be applicable to all highways laid out by the Town Board after adoption of this section, including any highway dedicated in plats for proposed subdivisions submitted for review pursuant to Ch. 236, Wis. Stats., any private highways being donated to the Town, and any other highways being accepted by the Town as public highways in the Town.

C. Minimum road design standards. The following minimum design standards shall apply under this section. All Town highways shall be classified as local roads unless designated by the Town Board as collector or arterial. The classification of all roads under this section shall be within the complete discretion of the Town Board, considering such factors as traffic count, character of anticipated traffic, and relation of highway to traffic patterns within the Town and other highway systems. It is intended that local be the lowest traffic count, with access to private property as its principal function. Collector highways are intended to be highways acting as collectors from local roads to higher priority roads or developed areas. Arterials are intended to serve as corridors through the Town serving intraregional and intra-area traffic movement.

Residential	Commercial/Industrial		
With C/G*	Without C/G*	With	Without

			C/G*	C/G*
Minimum right-of-way (feet)				
	66	66	66	66
Minimum width of base course (including curb, gutter or shoulders) (feet)				
Local	30	28	32	32
Collector	32	32	40	50
Minimum width of surfacing (feet)				
Local	30	20	32	24
Collector	32	22	40	30
Maximum grade				
Local**	10%	10%	8%	8%
Collector**	8%	8%	6%	6%
Minimum radius of horizontal curve (feet)				
Local	100	100	200	200
Collector	100	100	200	200
Corner radius at intersections (feet)				
	15	30	15	30
Minimum length of vertical curve (feet)				
Local	100, but not less than 20 for each algebraic difference in grade			
Collector	200, but not less than 50 for each 1%			
Minimum length of tangents between reverse curves (feet)				
Local	100	100	200	200
Collector	100	100	200	200
Minimum sight distance (feet)				
Local	200	200	200	200
Collector	250	250	250	250
Design speed (miles per hour)				
Local	30	30	30	30
Collector	35	35	35	35

Culs-de-sac (permanent)

Maximum length. Maximum desirable length of roads with culs-de-sac is 1,000 feet.

Through roads are most desirable.

Minimum right-of-way radius at cul-de-sac (feet)

Local	70	70	70	70
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Minimum base course radius (feet)

Local	50	50	50	50
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Minimum pavement radius (feet)

Local	50	50	50	50
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Notes:

* "With C/G" means with curb/gutter; "Without C/G" means without curb/gutter.

** Minimum grade is 0.5%.

- (1) Base course. Base course must be of quality, thickness, and composition suitable for the location.
- (2) Surface course. Surface course must consist of either crushed aggregate or bituminous concrete composition suitable for anticipated traffic loads. The minimum amount of gravel necessary for acceptance must be at least three inches in thickness. The road surface shall be applied in two courses with a minimum binder layer of 1 3/4 inches and surface layer of 1 3/4 inches.
- (3) Ditching and culverts. The ditching of the roadway must be complete and have proper elevation to provide for adequate drainage. Any culverts necessary for proper drainage shall be installed after elevation and locating are obtained from the Town Board. The minimum length of any culvert installed in a roadbed shall be at least two feet greater than the base course width. Apron end walls shall be used. The diameter and length will be subject to the approval of the Town Board, after the amount of the flowage is determined. In no case shall the culvert be less than 18 inches in diameter.
- (4) Bridges. All bridges shall meet the minimum requirements of state and federal law. In the event that it is decided by the Town Board that the construction of a bridge would be of a size and cost that it would create a hardship to the owner of the land required to build such bridge, then the Town Board may proceed to accept the road, complete as required above, except that part extending 100 feet on each side of said bridge. This portion of the road shall be known as the "approach." The approach will be accepted incomplete, with the reservation that the Town will bill back to the owner a portion of the cost of construction of such bridge. The Town will proceed to build said bridge and approach with the help of bridge aid, if available, and the balance not

covered by the aid shall be billed back to the owner.⁴

- D. Authority for higher standards. The road design standards in Subsection C, as stated above, are intended to be minimum design standards. The Town Board shall have the discretion to impose higher design standards where in the opinion of the Town Board local conditions require higher standards or anticipated traffic in quantity or quality will require higher standards.
- E. Application for determination of applicable standards. Any person may apply to the Town Board to determine what design standards should apply in a particular location, giving the description of the proposed highway and proposed design standards being requested to be approved for any proposed highway being proposed to be built. No person shall commence construction of any highway anticipated to be turned over to the Town without having written approval of the proposed highway design signed by the Town Board.
- F. Final inspection and acceptance by the Town Board. Upon completion of the proposed highway, the Town Board will proceed to make final inspection, accepting or rejecting the highway as the case may be in the discretion of the Town Board. If the highway is rejected, then corrections must be made as stated by the Town Board before final inspection will be made again. If final acceptance is made by the Town Board, the owner or owners will turn over to the Town a warranty deed, free and clear of any liens, necessary to convey free and clear title to the Town for the highway.

§ 3-9. Installation of driveways and culverts.

- A. Permit for new driveways. No person shall hereafter lay or install any driveway or install a culvert in connection therewith in the Town road right-of-way within the Town of Linn without first obtaining a permit from the Town of Linn. The permit will be obtained with the building permit.
- B. Permit for existing driveways. No person shall hereafter install a culvert or resurface any existing driveway in the Town road right-of-way within the Town of Linn without first obtaining a permit from the Town of Linn.
- C. Form of application. Every such application for a permit shall describe the public road adjacent to the culvert and/or driveway, the location of the culvert and/or driveway, and the nature of the work being undertaken by the applicant, together with the name and address of the applicant, the estimated date of commencement of work, and such other information as may be required by the Town Board. Permits shall be issued by the Highway Superintendent on a permit form approved by the Town Board.
- D. Conditions of permit for new driveways. Any permit issued by the Town, pursuant to this section, is subject to the following terms and conditions:
 - (1) Placement. The driveway shall be placed as near as possible at a right angle to

⁴. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

the roadway and shall be so located that there is a minimum of 400 feet of sight distance along the road in each direction. Any sight distance of less than 400 feet shall require a variance. A driveway shall not provide direct ingress or egress to or from a road intersection area and shall not occupy areas of the road right-of-way deemed necessary by the Town Board for effective traffic control or for highway signs or signals.

- (2) Culvert. When required to provide for adequate surface water drainage along the road, the property owner shall provide any necessary culvert pipe at his own expense. The culvert, if needed, shall be of a type which will withstand the nature and type of traffic to be driven over it. The culvert shall be of such size to facilitate the drainage of water common to that area through said culvert. All excavation for culverts, etc., in the right-of-way will be done in a workmanlike manner, and said excavation, etc., will be completed in such a way as to cause minimal inconvenience to the public.
 - (3) Elevation. The elevation of the finished driveway surface directly atop the culvert shall be four inches below the elevation of the road edge at the driveway. The width of the driveway at the culvert shall be a minimum of 20 feet. The driveway shall be crowned so as to direct the runoff water away from the roadway and into the ditch. Any excavation or lawn seeding must slope away from the shoulder of the road for a minimum distance of four feet at a minimum grade of six to one. The property owner shall make another application to the Town for permission to place asphalt surfacing on the driveway if planned subsequent to the original culvert installation.
 - (4) Obstructions. There will be no obstructions in connection with the construction of the driveway or the installation of a culvert to be placed in the right-of-way of any highway or street in the Town of Linn at an elevation any higher than the finished grade of the roadway adjacent thereto.⁵
 - (5) Concrete surface. Any driveway, new or existing, which is to be surfaced with concrete shall terminate at the property side of the culvert but not any closer than five feet to the edge of the road.
 - (6) Use of driveway during construction. All driveways shall be in place before any type of new construction begins. The driveway shall provide the only means of ingress to or egress from the construction site. Any damage to the Town road right-of-way, including the road surface, shall be repaired at the property owner's expense and in accordance with the Highway Superintendent's recommendation. All repairs must be completed before an occupancy permit will be issued.⁶
- E. Conditions of permit for existing driveways. Any existing driveway which is to be resurfaced in any manner will also be required to comply with Subsection D(2), (3), (4), (5) and (6) of this section.

5. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

6. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

- F. Variance. If a property owner feels hardship has been created due to the unusual terrain of his property, an appeal may be made to the Highway Superintendent for a variance on the conditions set forth by this section.⁷
- G. Penalty. Any person who shall violate the provisions of this section shall be fined \$250 upon conviction of said violation.
- H. Additional relief. Any driveway or culvert installed upon, under, or over any highway right-of-way without a permit, or any such driveway or culvert which is installed contrary to the terms and conditions of the issued permit or of this section, shall be deemed a highway encroachment and shall be subject to removal pursuant to § 86.04, Wis. Stats., as it presently exists, or as it may hereafter be renumbered or amended. Failure to obey an order for removal under § 86.04, Wis. Stats., may result in a per diem forfeiture and the recovery of the Town's costs of removal.

§ 3-10. Building numbers. [Added 8-14-2006]

- A. Assignment of numbers. All structures used for residence, business, industry or public assembly shall have assigned to them a building number. Said numbers shall be obtained from Walworth County by the Town of Linn.
- B. Installation of building number signs. All building number signs shall be installed by the Town of Linn Highway Department. Signs shall be green and white, 18 inches by six inches, "flag" style using .080 aluminum 3M reflective sheeting incorporating Dura-Sign™ technology, with the 911 number and the Town of Linn name. Posts shall be steel channel posts, green powder coated, 6 1/2 feet, 1.12 pounds per foot. Any deviations from the requirements set forth herein must be approved by the Town of Linn Highway Superintendent. In the event that a different sign or post is approved, the cost of the post/sign shall be borne by the property owner. Any sign installed by a property owner must be installed a minimum of four feet from the ground.
- C. Location of signs/posts.
 - (1) Primary location. Posts shall be installed approximately 15 feet from the edge of the right side of the driveway (facing home from road) and on the back edge of the road right-of-way.
 - (2) Secondary location. The same measurements as the primary location but on the left side of the driveway.
 - (3) Alternate location. This shall be determined by the Town of Linn Highway Superintendent, if necessary, due to foliage, lot line boundaries or other obstructions that would compromise the effectiveness of the sign if installed in either the primary or secondary location, but does not include affixing the number sign to any building or other permanent structure.
- D. Maintenance of signs. It shall be the responsibility of the property owner to

⁷. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

maintain the uniform numbers located on his properties in good and visible condition at all times. No property owner may change the placement location of numbers/posts after installation without the express written consent of the Highway Superintendent. Maintenance shall include keeping the uniform numbers clear of organic growth, debris and other impediments to a direct line of sight from the roadway.

- E. Penalty. A violation of this section shall be punished by a forfeiture of not less than \$50 nor more than \$500 for each offense. Each separate day the violation is continued shall constitute a separate offense. If the forfeiture(s) is/are not paid by November 1 of each year, the charge(s) shall be added to the property owner's tax bill as a special assessment.